

109TH CONGRESS
2D SESSION

S. 3860

To provide emergency wildfire and agricultural disaster assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2006

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To provide emergency wildfire and agricultural disaster assistance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Emergency Wildfire and Farm Relief Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—WILDFIRE RELIEF

Sec. 101. Emergency conservation program.
Sec. 102. Environmental quality incentives program.

Sec. 103. Livestock assistance grant program.

TITLE II—AGRICULTURAL PRODUCTION LOSSES

Sec. 201. Crop disaster assistance.

Sec. 202. Livestock assistance.

Sec. 203. Sugar beet disaster assistance.

Sec. 204. Bovine tuberculosis herd indemnification.

Sec. 205. Reduction in payments.

TITLE III—SUPPLEMENTAL NUTRITION AND AGRICULTURAL ECONOMIC DISASTER ASSISTANCE

Sec. 301. Replenishment of Section 32.

Sec. 302. Supplemental economic loss payments.

TITLE IV—CONSERVATION

Sec. 401. Emergency watershed protection program.

TITLE V—FARM SERVICE AGENCY

Sec. 501. Funding for additional personnel.

TITLE VI—MISCELLANEOUS

Sec. 601. Funding.

Sec. 602. Regulations.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADDITIONAL COVERAGE.**—The term “addi-
4 tional coverage” has the meaning given the term in
5 section 502(b)(1) of the Federal Crop Insurance Act
6 (7 U.S.C. 1502(b)(1)).

7 (2) **DISASTER COUNTY.**—The term “disaster
8 county” means—

9 (A) a county included in the geographic
10 area covered by a natural disaster declaration;
11 and

1 (B) each county contiguous to a county de-
2 scribed in subparagraph (A).

3 (3) INSURABLE COMMODITY.—The term “insur-
4 able commodity” means an agricultural commodity
5 (excluding livestock) for which the producers on a
6 farm are eligible to obtain a policy or plan of insur-
7 ance under the Federal Crop Insurance Act (7
8 U.S.C. 1501 et seq.).

9 (4) LIVESTOCK.—The term “livestock” in-
10 cludes—

11 (A) cattle (including dairy cattle);

12 (B) bison;

13 (C) sheep;

14 (D) swine; and

15 (E) other livestock, as determined by the
16 Secretary.

17 (5) NATURAL DISASTER DECLARATION.—The
18 term “natural disaster declaration” means a natural
19 disaster declared by the Secretary during calendar
20 year 2005 or 2006 under section 321(a) of the Con-
21 solidated Farm and Rural Development Act (7
22 U.S.C. 1961(a)).

23 (6) NONINSURABLE COMMODITY.—The term
24 “noninsurable commodity” means a crop for which
25 the producers on a farm are eligible to obtain assist-

1 ance under section 196 of the Federal Agriculture
 2 Improvement and Reform Act of 1996 (7 U.S.C.
 3 7333).

4 (7) SECRETARY.—The term “Secretary” means
 5 the Secretary of Agriculture.

6 **TITLE I—WILDFIRE RELIEF**

7 **SEC. 101. EMERGENCY CONSERVATION PROGRAM.**

8 The Secretary shall use an additional \$30,000,000 of
 9 funds of the Commodity Credit Corporation to carry out
 10 emergency measures identified by the Administrator of the
 11 Farm Service Agency as of the date of enactment of this
 12 Act through the emergency conservation program estab-
 13 lished under title IV of the Agricultural Credit Act of 1978
 14 (16 U.S.C. 2201 et seq.), of which not less than
 15 \$2,000,000 shall be used to carry out such measures in
 16 the State of Montana for the control of wildfires.

17 **SEC. 102. ENVIRONMENTAL QUALITY INCENTIVES PRO-** 18 **GRAM.**

19 The Secretary shall use an additional \$200,000,000
 20 of funds of the Commodity Credit Corporation to carry
 21 out emergency measures identified by the Secretary as of
 22 the date of enactment of this Act through the environ-
 23 mental quality incentives program established under chap-
 24 ter 4 of subtitle D of title XII of the Food Security Act
 25 of 1985 (16 U.S.C. 3839aa et seq.), of which not less than

1 \$10,000,000 shall be used to carry out such measures in
 2 the State of Montana for the control of wildfires.

3 **SEC. 103. LIVESTOCK ASSISTANCE GRANT PROGRAM.**

4 The Secretary shall use an additional \$100,000,000
 5 of funds of the Commodity Credit Corporation to carry
 6 out the Livestock Assistance Grant Program announced
 7 by the Secretary on August 29, 2006, in the same manner
 8 as the Program announced by the Secretary except that
 9 counties adversely impacted by wildfires shall be eligible
 10 to participate in the Program.

11 **TITLE II—AGRICULTURAL**
 12 **PRODUCTION LOSSES**

13 **SEC. 201. CROP DISASTER ASSISTANCE.**

14 (a) IN GENERAL.—The Secretary shall use such
 15 sums as are necessary of funds of the Commodity Credit
 16 Corporation to make emergency financial assistance au-
 17 thorized under this section available to producers on a
 18 farm that have incurred qualifying losses described in sub-
 19 section (c).

20 (b) ADMINISTRATION.—

21 (1) IN GENERAL.—Except as provided in para-
 22 graph (2), the Secretary shall make assistance avail-
 23 able under this section in the same manner as pro-
 24 vided under section 815 of the Agriculture, Rural
 25 Development, Food and Drug Administration and

1 Related Agencies Appropriations Act, 2001 (Public
2 Law 106–387; 114 Stat. 1549A–55), including
3 using the same loss thresholds for quantity and eco-
4 nomic losses as were used in administering that sec-
5 tion, except that the payment rate shall be 50 per-
6 cent of the established price, instead of 65 percent.

7 (2) NONINSURED PRODUCERS.—For producers
8 on a farm that were eligible to acquire crop insur-
9 ance for the applicable production loss and failed to
10 do so or failed to submit an application for the non-
11 insured assistance program for the loss, the Sec-
12 retary shall make assistance in accordance with
13 paragraph (1), except that the payment rate shall be
14 35 percent of the established price, instead of 50
15 percent.

16 (c) QUALIFYING LOSSES.—Assistance under this sec-
17 tion shall be made available to producers on farms, other
18 than producers of sugar beets, that incurred qualifying
19 quantity or quality losses for the 2005 or 2006 crop due
20 to damaging weather or any related condition (including
21 losses due to crop diseases, insects, and delayed harvest),
22 as determined by the Secretary.

23 (d) QUALITY LOSSES.—

24 (1) IN GENERAL.—In addition to any payment
25 received under subsection (b), the Secretary shall

1 use such sums as are necessary of funds of the Com-
2 modity Credit Corporation to make payments to pro-
3 ducers on a farm described in subsection (a) that in-
4 curred a quality loss for the 2005 or 2006 crop, or
5 both, of a commodity in an amount equal to the
6 product obtained by multiplying—

7 (A) the payment quantity determined
8 under paragraph (2);

9 (B)(i) in the case of an insurable com-
10 modity, the coverage level elected by the insured
11 under the policy or plan of insurance under the
12 Federal Crop Insurance Act (7 U.S.C. 1501 et
13 seq.); or

14 (ii) in the case of a noninsurable com-
15 modity, the applicable coverage level for the
16 payment quantity determined under paragraph
17 (2); by

18 (C) 50 percent of the payment rate deter-
19 mined under paragraph (3).

20 (2) PAYMENT QUANTITY.—For the purpose of
21 paragraph (1)(A), the payment quantity for quality
22 losses for a crop of a commodity on a farm shall
23 equal the lesser of—

1 (A) the actual production of the crop af-
 2 fected by a quality loss of the commodity on the
 3 farm; or

4 (B)(i) in the case of an insurable com-
 5 modity, the actual production history for the
 6 commodity by the producers on the farm under
 7 the Federal Crop Insurance Act (7 U.S.C. 1501
 8 et seq.); or

9 (ii) in the case of a noninsurable com-
 10 modity, the established yield for the crop for
 11 the producers on the farm under section 196 of
 12 the Federal Agriculture Improvement and Re-
 13 form Act of 1996 (7 U.S.C. 7333).

14 (3) PAYMENT RATE.—

15 (A) IN GENERAL.—For the purpose of
 16 paragraph (1)(B), the payment rate for quality
 17 losses for a crop of a commodity on a farm
 18 shall be equal to the difference between (as de-
 19 termined by the applicable State committee of
 20 the Farm Service Agency)—

21 (i) the per unit market value that the
 22 units of the crop affected by the quality
 23 loss would have had if the crop had not
 24 suffered a quality loss; and

1 (ii) the per unit market value of the
2 units of the crop affected by the quality
3 loss.

4 (B) FACTORS.—In determining the pay-
5 ment rate for quality losses for a crop of a com-
6 modity on a farm, the applicable State com-
7 mittee of the Farm Service Agency shall take
8 into account—

9 (i) the average local market quality
10 discounts that purchasers applied to the
11 commodity during the first 2 months fol-
12 lowing the normal harvest period for the
13 commodity;

14 (ii) the loan rate and repayment rate
15 established for the commodity under the
16 marketing loan program established for the
17 commodity under subtitle B of title I of
18 the Farm Security and Rural Investment
19 Act of 2002 (7 U.S.C. 7931 et seq.);

20 (iii) the market value of the com-
21 modity if sold into a secondary market;
22 and

23 (iv) other factors determined appro-
24 priate by the committee.

25 (4) ELIGIBILITY.—

1 (A) IN GENERAL.—For producers on a
 2 farm to be eligible to obtain a payment for a
 3 quality loss for a crop under this subsection—

4 (i) the amount obtained by multi-
 5 plying the per unit loss determined under
 6 paragraph (1) by the number of units af-
 7 fected by the quality loss shall be reduced
 8 by the amount of any indemnification re-
 9 ceived by the producers on the farm for
 10 quality loss adjustment for the commodity
 11 under a policy or plan of insurance under
 12 the Federal Crop Insurance Act (7 U.S.C.
 13 1501 et seq.); and

14 (ii) the remainder shall be at least 25
 15 percent of the value that all affected pro-
 16 duction of the crop would have had if the
 17 crop had not suffered a quality loss.

18 (B) INELIGIBILITY.—If the amount of a
 19 quality loss payment for a commodity for the
 20 producers on a farm determined under this
 21 paragraph is equal to or less than zero, the pro-
 22 ducers on the farm shall be ineligible for assist-
 23 ance for the commodity under this subsection.

24 (5) ELIGIBLE PRODUCTION.—The Secretary
 25 shall carry out this subsection in a fair and equitable

1 manner for all eligible production, including the pro-
2 duction of fruits and vegetables, other specialty
3 crops, and field crops.

4 (e) TIMING.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 the Secretary shall make payments to producers on
7 a farm for a crop under this section not later than
8 60 days after the date the producers on the farm
9 submit to the Secretary a completed application for
10 the payments.

11 (2) INTEREST.—If the Secretary does not make
12 payments to the producers on a farm by the date de-
13 scribed in paragraph (1), the Secretary shall pay to
14 the producers on a farm interest on the payments at
15 a rate equal to the current (as of the sign-up dead-
16 line established by the Secretary) market yield on
17 outstanding, marketable obligations of the United
18 States with maturities of 30 years.

19 **SEC. 202. LIVESTOCK ASSISTANCE.**

20 (a) LIVESTOCK COMPENSATION PROGRAM.—

21 (1) USE OF COMMODITY CREDIT CORPORATION
22 FUNDS.—Effective beginning on the date of enact-
23 ment of this Act, the Secretary shall use funds of
24 the Commodity Credit Corporation to carry out the
25 2002 Livestock Compensation Program announced

1 by the Secretary on October 10, 2002 (67 Fed. Reg.
2 63070), to provide compensation for livestock losses
3 during calendar years 2005 and 2006 for losses due
4 to a disaster, as determined by the Secretary, except
5 that the payment rate shall be 75 percent of the
6 payment rate established for the 2002 Livestock
7 Compensation Program.

8 (2) ELIGIBLE APPLICANTS.—In carrying out
9 the program described in paragraph (1), the Sec-
10 retary shall provide assistance to any applicant for
11 livestock losses during calendar year 2005 or 2006,
12 or both, that—

13 (A)(i) conducts a livestock operation that
14 is located in a disaster county, including any
15 applicant conducting a livestock operation with
16 eligible livestock (within the meaning of the
17 livestock assistance program under section
18 101(b) of division B of Public Law 108–324
19 (118 Stat. 1234)); or

20 (ii) produces an animal described in sec-
21 tion 10806(a)(1) of the Farm Security and
22 Rural Investment Act of 2002 (21 U.S.C.
23 321d(a)(1));

24 (B) demonstrates to the Secretary that the
25 applicant suffered a material loss of pasture or

1 hay production, or experienced substantially in-
2 creased feed costs, due to damaging weather or
3 a related condition during the calendar year, as
4 determined by the Secretary; and

5 (C) meets all other eligibility requirements
6 established by the Secretary for the program.

7 (3) MITIGATION.—In determining the eligibility
8 for or amount of payments for which a producer is
9 eligible under the livestock compensation program,
10 the Secretary shall not penalize a producer that
11 takes actions (recognizing disaster conditions) that
12 reduce the average number of livestock the producer
13 owned for grazing during the production year for
14 which assistance is being provided.

15 (b) LIVESTOCK INDEMNITY PAYMENTS.—

16 (1) IN GENERAL.—The Secretary shall use such
17 sums as are necessary of funds of the Commodity
18 Credit Corporation to make livestock indemnity pay-
19 ments to producers on farms that have incurred live-
20 stock losses during calendar years 2005 and 2006
21 for losses that occurred prior to the date of enact-
22 ment of this Act (including wildfire disaster losses in
23 the States of Montana and Texas and other States)
24 due to a disaster, as determined by the Secretary,

1 including losses due to hurricanes, floods, anthrax,
2 and wildfires.

3 (2) PAYMENT RATES.—Indemnity payments to
4 a producer on a farm under paragraph (1) shall be
5 made at a rate of not less than 30 percent of the
6 market value of the applicable livestock on the day
7 before the date of death of the livestock, as deter-
8 mined by the Secretary.

9 (c) EWE LAMB REPLACEMENT AND RETENTION.—

10 (1) IN GENERAL.—The Secretary shall use
11 \$13,000,000 of funds of the Commodity Credit Cor-
12 poration to make payments under the Ewe Lamb
13 Replacement and Retention Payment Program
14 under part 784 of title 7, Code of Federal Regula-
15 tions (or a successor regulation) for each qualifying
16 ewe lamb retained or purchased during the period
17 beginning on January 1, 2006, and ending on De-
18 cember 31, 2006.

19 (2) INELIGIBILITY FOR OTHER ASSISTANCE.—A
20 producer that receives assistance under this sub-
21 section shall not be eligible to receive assistance
22 under subsection (a).

23 **SEC. 203. SUGAR BEET DISASTER ASSISTANCE.**

24 (a) IN GENERAL.—The Secretary shall use
25 \$24,000,000 of funds of the Commodity Credit Corpora-

1 tion to provide assistance to sugar beet producers that suf-
2 fered production losses (including quality losses) for the
3 2005 crop year.

4 (b) REQUIREMENT.—The Secretary shall make pay-
5 ments under subsection (a) in the same manner as pay-
6 ments were made under section 208 of the Agricultural
7 Assistance Act of 2003 (Public Law 108–7; 117 Stat.
8 544), including using the same indemnity benefits as were
9 used in carrying out that section.

10 **SEC. 204. BOVINE TUBERCULOSIS HERD INDEMNIFICA-**
11 **TION.**

12 The Secretary shall use \$2,000,000 of funds of the
13 Commodity Credit Corporation to indemnify producers
14 that suffered losses to herds of cattle due to bovine tuber-
15 culosis during calendar year 2005.

16 **SEC. 205. REDUCTION IN PAYMENTS.**

17 The amount of any payment for which a producer is
18 eligible under this title shall be reduced by any amount
19 received by the producer for the same loss or any similar
20 loss under—

21 (1) the Department of Defense, Emergency
22 Supplemental Appropriations to Address Hurricanes
23 in the Gulf of Mexico, and Pandemic Influenza Act,
24 2006 (Public Law 109–148; 119 Stat. 2680);

1 (2) an agricultural disaster assistance provision
 2 contained in the announcement of the Secretary on
 3 January 26, 2006, or August 29, 2006; or

4 (3) the Emergency Supplemental Appropria-
 5 tions Act for Defense, the Global War on Terror,
 6 and Hurricane Recovery, 2006 (Public Law 109-
 7 234; 120 Stat. 418).

8 **TITLE III—SUPPLEMENTAL NU-**
 9 **TRITION AND AGRICULTURAL**
 10 **ECONOMIC DISASTER ASSIST-**
 11 **ANCE**

12 **SEC. 301. REPLENISHMENT OF SECTION 32.**

13 (a) DEFINITION OF SPECIALTY CROP.—In this sec-
 14 tion:

15 (1) IN GENERAL.—The term “specialty crop”
 16 means any agricultural crop.

17 (2) EXCEPTION.—The term “specialty crop”
 18 does not include—

- 19 (A) wheat;
- 20 (B) feed grains;
- 21 (C) oilseeds;
- 22 (D) cotton;
- 23 (E) rice;
- 24 (F) peanuts; or
- 25 (G) milk.

1 (b) BASE STATE GRANTS.—

2 (1) IN GENERAL.—The Secretary shall use
3 \$25,000,000 of funds of the Commodity Credit Cor-
4 poration to make grants to the several States to be
5 used to support activities that promote agriculture.

6 (2) AMOUNTS.—The amount of the grants shall
7 be \$500,000 to each of the several States.

8 (c) GRANTS FOR VALUE OF PRODUCTION.—The Sec-
9 retary shall use \$74,500,000 of funds of the Commodity
10 Credit Corporation to make a grant to each of the several
11 States in an amount equal to the product obtained by mul-
12 tipling—

13 (1) the share of the State of the total value of
14 specialty crop and livestock of the United States for
15 the 2004 crop year, as determined by the Secretary;
16 by

17 (2) \$74,500,000.

18 (d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As
19 a condition on the receipt of a grant under this section,
20 a State shall agree to give priority to the support of spe-
21 cialty crops and livestock in the use of the grant funds.

22 (e) USE OF FUNDS.—A State may use funds from
23 a grant awarded under this section—

24 (1) to supplement State food bank programs or
25 other nutrition assistance programs;

1 (2) to promote the purchase, sale, or consump-
 2 tion of agricultural products;

3 (3) to provide economic assistance to agricul-
 4 tural producers, giving a priority to the support of
 5 specialty crops and livestock; or

6 (4) for other purposes as determined by the
 7 Secretary.

8 **SEC. 302. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.**

9 (a) IN GENERAL.—Subject to subsection (b), the Sec-
 10 retary shall make a supplemental economic loss payment
 11 to—

12 (1) any producers on a farm that received a di-
 13 rect payment for crop year 2005 under title I of the
 14 Farm Security and Rural Investment Act of 2002 (7
 15 U.S.C. 7901 et seq.); and

16 (2) any dairy producer that was eligible to re-
 17 ceive a payment during the 2005 calendar year
 18 under section 1502 of the Farm Security and Rural
 19 Investment Act of 2002 (7 U.S.C. 7982).

20 (b) AMOUNT.—

21 (1) COVERED COMMODITIES.—Subject to para-
 22 graph (3), the amount of a supplemental economic
 23 loss payment made to the producers on a farm
 24 under subsection (a)(1) shall be equal to the product
 25 obtained by multiplying—

1 (A) 30 percent of the direct payment rate
 2 in effect for the covered commodity of the pro-
 3 ducers on the farm;

4 (B) 85 percent of the base acres of the
 5 covered commodity of the producers on the
 6 farm; and

7 (C) the payment yield for each covered
 8 commodity of the producers on the farm.

9 (2) DAIRY PAYMENTS.—

10 (A) DISTRIBUTION.—Supplemental eco-
 11 nomic loss payments under subsection (a)(2)
 12 shall be distributed in a manner that is con-
 13 sistent with section 1502 of the Farm and
 14 Rural Investment Act of 2002 (7 U.S.C. 7982).

15 (B) MAXIMUM AMOUNT.—Subject to para-
 16 graph (3), the total amount available for sup-
 17 plemental economic loss payments under sub-
 18 section (a)(2) shall not exceed \$147,000,000.

19 (3) LIMITATIONS.—

20 (A) IN GENERAL.—Subject to subpara-
 21 graph (B), the Secretary shall ensure that no
 22 person receives supplemental economic loss pay-
 23 ments under—

24 (i) subsection (a)(1) in excess of the
 25 per person limitations applicable to a per-

son that receives payments described in
subsection (a)(1); and

(ii) subsection (a)(2) in excess of the
per dairy operation limitation applicable to
producers on a dairy farm described in
subsection (a)(2).

(B) ADMINISTRATION.—In carrying out
subparagraph (A), the Secretary—

(i) shall establish separate limitations
for supplemental economic loss payments
received under this section; and

(ii) shall not include the supplemental
economic loss payments in applying pay-
ment limitations under section 1001 of the
Food Security Act of 1985 (7 U.S.C.
1001) for payments made pursuant to the
underlying normal operation of the pro-
gram described in subsection (a)(1) or sec-
tion 1502 of the Farm and Rural Invest-
ment Act of 2002 (7 U.S.C. 7982).

TITLE IV—CONSERVATION

SEC. 401. EMERGENCY WATERSHED PROTECTION PRO- GRAM.

The Secretary shall use an additional \$60,000,000 of
funds of the Commodity Credit Corporation to carry out

1 emergency measures identified by the Chief of the Natural
2 Resources Conservation Service as of the date of enact-
3 ment of this Act through the emergency watershed protec-
4 tion program established under section 403 of the Agricul-
5 tural Credit Act of 1978 (16 U.S.C. 2203).

6 **TITLE V—FARM SERVICE** 7 **AGENCY**

8 **SEC. 501. FUNDING FOR ADDITIONAL PERSONNEL.**

9 The Secretary shall use \$30,000,000 of funds of the
10 Commodity Credit Corporation to hire additional County
11 Farm Service Agency personnel—

12 (1) to expedite the implementation of, and de-
13 livery under, the agricultural disaster and economic
14 assistance programs under this Act; and

15 (2) as the Secretary determines to be necessary
16 to carry out other agriculture and disaster assist-
17 ance programs.

18 **TITLE VI—MISCELLANEOUS**

19 **SEC. 601. FUNDING.**

20 The Secretary shall use the funds, facilities, and au-
21 thorities of the Commodity Credit Corporation to carry
22 out this Act, to remain available until expended.

23 **SEC. 602. REGULATIONS.**

24 (a) IN GENERAL.—The Secretary may promulgate
25 such regulations as are necessary to implement this Act.

1 (b) PROCEDURE.—The promulgation of the regula-
 2 tions and administration of this Act shall be made without
 3 regard to—

4 (1) the notice and comment provisions of sec-
 5 tion 553 of title 5, United States Code;

6 (2) the Statement of Policy of the Secretary of
 7 Agriculture effective July 24, 1971 (36 Fed. Reg.
 8 13804), relating to notices of proposed rulemaking
 9 and public participation in rulemaking; and

10 (3) chapter 35 of title 44, United States Code
 11 (commonly known as the “Paperwork Reduction
 12 Act”).

13 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
 14 MAKING.—In carrying out this section, the Secretary shall
 15 use the authority provided under section 808 of title 5,
 16 United States Code.

17 **TITLE VII—EMERGENCY** 18 **DESIGNATION**

19 **SEC. 701. EMERGENCY DESIGNATION.**

20 The amounts provided in this Act are designated as
 21 an emergency requirement pursuant to section 402 of S.
 22 Con. Res. 83 (109th Congress), the concurrent resolution
 23 on the budget for fiscal year 2007, as made applicable in
 24 the Senate by section 7035 of Public Law 109–234.

